

Remarks

Claims 1 and 6 have been amended. Claims 9-13 have been added. Claims 1-13 are now in the application. Reconsideration and allowance of these claims is respectfully requested.

Rejection of Claims Under 35 U.S.C. 102(b)

Claims 1, 6 and 8 were rejected under 35 U.S.C. 102 as being anticipated by Calef '437.

Claim 1 has been amended to recite a frame defining a first axis and a handle means having a pivot axis perpendicular to the first axis defined by the frame.

Calef '437 provides a sleeve (G) and set-screw (G') combination that is received around the frame of a spoon. A handle (I) is connected to the sleeve (G) and is able to rotate about the axis defined by the frame. More specifically, the handle cannot pivot toward or away from the opposing ends of the frame.

This differs from the handle means of the present invention which has a pivot axis perpendicular to the axis generally defined by the frame, such that the handle means is pivotable toward and away from opposing ends of the frame. Such a pivoting orientation for the handle means enables the handle means to pivot from a first operating position to a

second storage position, with the storage position allowing compact storage and display of the tool. This characteristic is described on page 9, line 30 through page 10, line 1 of the application as originally filed.

For these reasons, the fixed relative relationship between the handle and frame of Calef '437 cannot be said to anticipate the pivotable relationship between the handle means and frame of the present invention.

Claim 6 has been amended to recite a handle having a coupling means having one or more pivoting engagement receptacles spaced from one or more locking engagement receptacles.

The sleeve (G) and set-screw (G') of Calef '437 act as a single receptacle for engaging a single portion of the frame. The present invention is distinguished by providing a pivoting engagement receptacle spaced from a locking engagement receptacle such that each receptacle engages a separately spaced portion of the frame.

For this reason, the single receptacle of Calef '437 cannot be said to anticipate the spaced receptacles claimed in the present invention.

Claim 8 is dependent from claim 1. It is therefore submitted that claim 8 is not anticipated by Calef '437 for the reasons stated with reference to claim 1.

Rejection of Claims Under 35 U.S.C. 103(a)

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Calef '437 in view of McKittrick '627.

McKittrick '627 provides a handle in a fixed perpendicular relationship with respect to the frame. For this reason, McKittrick '627 cannot be said to illustrate or suggest a pivotable handle in accordance with the claims of the present invention.

Applicant submits that the amendments to claims 1 and 6 overcome the 103(a) rejections of Examiner for the reasons stated above with reference to Calef '437.

With respect to claim 1, the combination of the fixed handle of McKittrick '627 with the sleeve of Calef '437 does not produce the handle means of the present invention. Specifically, such a combination lacks a handle means capable of pivoting about an axis that is perpendicular to the frame axis, in accordance with claim 1.

With respect to claim 6, McKittrick '627 lacks both a pivoting and locking receptacle, whereas Calef '437 lacks the spaced receptacles as recited in claim 6 and discussed in more detail above.

As such, the rejection of claims 1 and 6 should be removed. Where claims 2-5 and 8 are dependent from claim 1,

and claim 7 is dependent from claim 6, it is submitted that they are now allowable for the same reasons discussed with reference to claims 1 and 6, above. Accordingly, the claim rejections under 102(b) and 103(a) should be withdrawn.

Independent Claim 9 and dependent Claims 10-13 have been added to the application. The new claims added herein are believed to be unobvious and patentable over the cited prior art, whether taken alone or in combination.

For the foregoing reasons, Applicant respectfully submits that all of the claims as presented are believed to be unobvious and patentable over the cited references, whether taken alone or in combination. The presently pending claims are therefore allowable on the merits. An early allowance is respectfully solicited.

Respectfully submitted,

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In the Drawings

Please remove the informal drawings of Figures 1, 2, 3 and 4 from the present application and add the two sheets of formal drawings presented herein as formal replacement Figures 1, 2, 3 and 4.

No new matter has been added.